

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

WILLIAM BARYO, JR., et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-1182-CV-W-NKL
)	
PHILLIP MORRIS, INC., et al.,)	
)	
Defendants.)	

ORDER

After this Court granted summary judgment to certain Defendants on February 25, 2008, Defendant Liggett Group LLC (Liggett) moved to join in those Defendants' summary judgment motion [Doc. # 237], arguing that Plaintiffs' claims against it are also barred by Kansas's two-year statute of limitations for wrongful death actions. *See* Kan. Stat. Ann. § 60-513(a)(5). Plaintiffs, who are pro se, failed to respond to Liggett's motion to join, despite the Court's reminder that they were obligated to follow the Federal rules. *See* Doc. # 191.

Because this Court has already determined that Plaintiffs' petition was filed more than two years after Ms. Baryo's death, their claims against Liggett must also fail. *Cf. Popp Telecom, Inc. v. Am. Sharecom, Inc.*, 361 F.3d 482, 490-91 (8th Cir. 2004) ("The law of the case doctrine prevents the relitigation of a settled issue in a case and requires courts to adhere to decisions made in earlier proceedings."). Plaintiffs have not set forth specific facts showing there is a genuine issue for trial.

Accordingly, it is hereby

ORDERED that Defendants Liggett Group LLC's and Liggett & Meyers, Inc.'s Joinder in Certain Defendants' Motion for Summary Judgment on the Issue of the Statute of Limitations [Doc. # 237] is GRANTED. Summary judgment is granted for Liggett on all claims for the reasons stated in the Court's February 25, 2008 Order. It is further

ORDERED that Defendant Liggett's Motion for Extension of Time to Furnish Information Required by Fed. R. Civ. P. 26(a)(2) [Doc. # 238] is DENIED AS MOOT

s/NANETTE K. LAUGHREY
NANETTE K. LAUGHREY
United States District Judge

Dated: March 21, 2008
Jefferson City, Missouri